LEHI JUSTICE COURT, UTAH COUNTY, UTAH
NOTIFICATION OF ENHANCEMENT-LEWDNESS

Defendant:_____, Case No._____

ELEMENTS

76-9-702(1): A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, or an attempt to commit any of these offenses, performs any of the following acts in a public place or under circumstances which the person should know will likely cause affront or alarm to, on, or in the presence of another who is 14 years of age or older: (a) an act of sexual intercourse or sodomy; (b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area; (c) masturbates; or (d) any other act of lewdness.

76-9-702(7): A woman's breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute a lewd act, irrespective of whether or not the breast is covered during or incidental to feeding.

ENHANCEMENT/PENALTIES

76-9-702(2)(a): A person convicted the first or second time of a violation of Subsection (1) is guilty of a class B misdemeanor, except under Subsection (2)(b).

76-9-702(2)(b): A person convicted of a violation of Subsection (1) is guilty of a third degree felony if at the time of the violation: (i) the person is a sex offender as defined in Section 77-27-21.7; (ii) the person has been previously convicted two or more times of violating Subsection (1); or (iii) the person has previously been convicted of a violation of Subsection (1) and has also previously been convicted of a violation of Section 76-9-702.5 (lewdness involving a child).

Minimum/Maximum Sentences
Class B Misdemeanor: 0 days to 6 months jail; $0 to $1890 fines and surcharges, plus interest.
Third Degree Felony: 0 days to 5 years prison; $0 to $9283 fines and surcharges, plus interest.

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

_____   _____
Date   Defendant